

Layn R. Phillips (to be admitted *pro hac vice*)  
Bruce A. Wessel (to be admitted *pro hac vice*)  
Melissa R. McCormick (to be admitted *pro hac vice*)  
IRELL & MANELLA LLP  
840 Newport Center Drive, Suite 400  
Newport Beach, California 92660-6324  
(949) 760-0991

ORIGINAL

-and-

Shawn Patrick Regan  
Thomas G. Slater (to be admitted *pro hac vice*)  
HUNTON & WILLIAMS LLP  
200 Park Avenue, 52nd Floor  
New York, New York 10166-0136  
(212) 309-1000

*Attorneys for Plaintiff*  
**WILLIAM I. KOCH**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
WILLIAM I. KOCH, an individual, :

Plaintiff, :

vs. :

ERIC GREENBERG, an individual; ZACHYS  
WINE & LIQUOR STORE, INC., a New York  
corporation; and ZACHYS WINE AUCTIONS,  
INC., a New York corporation, :

Defendants. :

----- X

07 Civ. 9600 (BSJ)(DCF)


**NOTICE OF MOTION**

FILED  
U.S. DISTRICT COURT  
2007 NOV 16 PM 4:33  
S.D. OF N.Y.

PLEASE TAKE NOTICE that, upon the annexed Declaration of Shawn Patrick Regan, with exhibits, dated November 16, 2007, Plaintiff William I. Koch hereby moves this Court for an order pursuant to Local Civil Rule 1.3 (c) admitting *pro hac vice* Melissa R. McCormick to appear as counsel for Plaintiff William I. Koch.

Dated: New York, New York  
November 16, 2007

By:

  
Shawn Patrick Regan  
Thomas G. Slater (to be admitted *pro hac vice*)  
HUNTON & WILLIAMS LLP  
200 Park Avenue, 52nd Floor  
New York, New York 10166-0136  
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(212) 309-1000

-and-

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Bruce A. Wessel (to be admitted *pro hac vice*)  
Melissa R. McCormick (to be admitted *pro hac vice*)  
IRELL & MANELLA LLP  
840 Newport Center Drive, Suite 400  
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(949) 760-0991

*Attorneys for Plaintiff*  
*WILLIAM I. KOCH*

To: Anthony Paul Coles, Esq.  
DLA Piper  
1251 Avenue of the Americas  
New York, New York 10020

*Attorneys for Defendant*  
*ERIC GREENBERG*

-and-

Deborah A. Skakel, Esq.  
Lindsay A. Bush, Esq.  
Dickstein Shapiro LLP  
1177 Avenue of the Americas  
New York, NY 10036 - 2714

*Attorneys for Defendants*  
*ZACHYS WINE & LIQUOR STORE, INC.,*  
*ZACHYS WINE AUCTIONS, INC.*

**DECLARATION OF SERVICE**

Bradford C. Mulder, hereby declares under penalty of perjury, pursuant to 28 U.S.C.

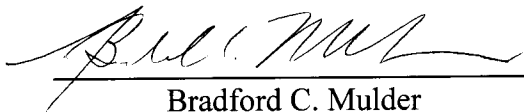
§ 1746, that:

I am Managing Clerk at the law firm of Hunton & Williams LLP, attorneys for Plaintiff.

That on November 16, 2007, I served a true copy of the attached Notice of Motion, via First Class Mail on counsel of record at the addresses listed below, by depositing the same in a duly enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America within the State of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 16, 2007

  
Bradford C. Mulder

To: Anthony Paul Coles, Esq.  
DLA Piper  
1251 Avenue of the Americas  
New York, New York 10020

*Attorneys for Defendant Eric Greenberg*

Deborah A. Skakel, Esq.  
Lindsay A. Bush, Esq.  
Dickstein Shapiro LLP  
1177 Avenue of the Americas  
New York, New York 10036-2714

*Attorneys for Defendants  
Zachys Wine & Liquor Store, Inc.  
Zachys Wine Auction, Inc.*

Layn R. Phillips (to be admitted *pro hac vice*)  
 Bruce A. Wessel (to be admitted *pro hac vice*)  
 Melissa R. McCormick (to be admitted *pro hac vice*)  
 IRELL & MANELLA LLP  
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-and-

Shawn Patrick Regan  
 Thomas G. Slater (to be admitted *pro hac vice*)  
 HUNTON & WILLIAMS LLP  
 200 Park Avenue, 52nd Floor  
 New York, New York 10166-0136  
 (212) 309-1000

*Attorneys for Plaintiff*  
**WILLIAM I. KOCH**

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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WILLIAM I. KOCH, an individual,	:
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Plaintiff,	:
	:
vs.	:
	:
ERIC GREENBERG, an individual; ZACHYS	:
WINE & LIQUOR STORE, INC., a New York	:
corporation; and ZACHYS WINE AUCTIONS,	:
INC., a New York corporation,	:
	:
Defendants.	:
	:
----- X	

07 Civ. 9600 (BSJ)(DCF)

**DECLARATION OF SHAWN  
 PATRICK REGAN IN SUPPORT  
 OF MOTION FOR ADMISSION  
 PRO HAC VICE**

Shawn Patrick Regan , pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of the bar of this Court and counsel to Plaintiff William I. Koch. I make this Declaration in support of the admission pro hac vice of Melissa R. McCormick as an attorney for Plaintiff William I. Koch in the above-captioned action, pursuant to Rule 1.3(c) of the Local Rules of the Southern District of New York.

2. Melissa R. McCormick is admitted to practice law in the State of California and is a partner at the law firm of Irell & Manella LLP located at 840 Newport Center Drive, Suite 400, Newport Beach, California, (949) 760-0991.

3. Attached hereto as Exhibit "A" is a Certificate of Good Standing attesting to Ms. McCormick's membership in good standing with the California State Bar. I am informed that since her admission to the California State Bar, Ms. McCormick has never been reprimanded, nor has she had a grievance, complaint or order of discipline of any kind filed against her in any state or jurisdiction.

4. The New York office of Hunton & Williams LLP and the undersigned will continue to act as counsel of record in this case for purposes of service of papers and otherwise.

5. Granting of this application will not delay the trial of this matter or any proceedings presently pending before the Court, as the case is in its earliest stages and all are fully familiar with the facts herein.

**WHEREFORE**, Plaintiff William I. Koch respectfully requests that the Court admit Melissa R. McCormick to represent Plaintiff William I. Koch for all purposes before this Court in the above-captioned action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 16th day of November, 2007.

A handwritten signature in black ink, appearing to read 'Shawn Patrick Regan', is written over a horizontal line.

Shawn Patrick Regan



# THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

November 8, 2007

## TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MELISSA JO RUSH, #180384 was admitted to the practice of law in this state by the Supreme Court of California on December 7, 1995; that at her request, on December 12, 1997, her name was changed to MELISSA RUSH MCCORMICK on the records of the State Bar of California; that she has been since the date of admission, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in cursive script, appearing to read "Kath Lambert".

Kath Lambert  
Custodian of Membership Records

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM I. KOCH, an individual,	:
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Plaintiff,	:
	:
vs.	:
	:
ERIC GREENBERG, an individual; ZACHYS	:
WINE & LIQUOR STORE, INC., a New York	:
corporation; and ZACHYS WINE AUCTIONS,	:
INC., a New York corporation,	:
	:
Defendants.	:
	:
-----X	

07 Civ. 9600 (BSJ)(DCF)

**ORDER FOR ADMISSION PRO HAC VICE**

Upon the motion of Shawn Patrick Regan, attorney for Plaintiff William I. Koch, and said sponsor attorney's declaration in support;

IT IS HEREBY ORDERED THAT

Melissa R. McCormick  
Irell & Manella LLP  
840 Newport Center Drive, Suite 400  
Newport Beach, California 92660-6324  
(949) 760-0991  
(949) 760-5200  
mmccormick@irell.com

is admitted to practice pro hac vice as counsel for Plaintiff William I. Koch in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the pro hac vice fee to the Clerk of Court.

SO ORDERED.

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U.S.D.J.

Dated: New York, New York  
November \_\_, 2007